



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/575,864

05/15/2007

Hans-Georg Frank

P71215US0

6812

136 7590 10/22/2008

JACOBSON HOLMAN PLLC  
400 SEVENTH STREET N.W.  
SUITE 600  
WASHINGTON, DC 20004

EXAMINER

WOODWARD, CHERIE MICHELLE

ART UNIT

PAPER NUMBER

1647

MAIL DATE

DELIVERY MODE

10/22/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address : COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10575864	5/15/2007	FRANK ET AL.	P71215US0

JACOBSON HOLMAN PLLC  
400 SEVENTH STREET N.W.  
SUITE 600  
WASHINGTON, DC 20004

**EXAMINER**

CHERIE M.. WOODWARD

ART UNIT	PAPER
----------	-------

1647	20081020
------	----------

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

The reply filed on 9/8/2008 is not fully responsive to the Requirement for Restriction/Election mailed 4/21/2008 because of the following omission(s) or matter(s): Applicant has still not complied with the Non-Responsive Notice mailed 6/6/2008. Applicant has not elected ONE species to be examined. On page 1 of the Response, Applicant elects "Formulas" and recites all 19 species recited under the heading of formulas. Applicant has identified the subgenus of "formulas" for examination, but has not elected a single species within that subgenus to be examined. In order to be fully responsive to the Requirement for Restriction/Election, Applicant is required to elect ONE species for examination. The requirement for the species election was set forth on pages 3 and 4 of the Office Action mailed 4/21/2008. See specifically, paragraphs 3 and 4. For clarity, because each of the 19 "formulas" represents a unique structure and function, ONE species of formula is required to be elected for examination. If the ONE elected species is found to be allowable, the examiner will proceed with the rejoinder and examination of a second species, and so on, as provided by 37 CFR 1.141, and as set forth in the Requirement for Restriction/Election.

Applicant's Response filed 9/8/2008 contains a "\*\*\*\*" in the section where an election should be made. It is also noticed that the form is UNSIGNED by Applicant's Representative.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a). It is noted that the original requirement for restriction election was mailed on 4/21/2008.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cherie M. Woodward whose telephone number is (571) 272-3329. The examiner can normally be reached on Monday - Friday 9:30am-6:00pm (EST). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Manjunath N. Rao can be reached on (571) 272-0939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cherie M. Woodward/  
Examiner  
Art Unit: 1647

PTO-90C (Rev.04-03)